

To my knowledge, Mr. President, not one of the Senate committees investigating these issues has reached those conclusions. The evidence that the majority leader offered to support his conclusions ignored some of the most important testimony that we received, obviously, because it contradicted their conclusions offered.

For example, the majority leader's statement ignored testimony by senior Department of Defense and State officials on June 18 and 25 and on July 8 that the 1996 Clinton Executive order "strengthened" the Department of Defense's role in Commerce export licenses, rather than weakening it, and also ignored the fact that those Department of Defense and State Department officials believed "it would be a bad thing" to return to State licensing of commercial satellites.

In a June 18 hearing before the Senate Governmental Affairs Subcommittee on International Security on which I sit, when responding to a question on whether commercial satellite export licensing should be returned to the State Department, Department of Defense, Principal Deputy Under Secretary for Policy Jan Lodal testified that "I think it would be a bad thing to do." And Assistant Under Secretary of State for International Security John Holum, testified, "I agree. . . . I would recommend against that."

Mr. President, the statement of the majority leader last Tuesday also ignored the Department of Defense and State Department letters which were included in the June 18 Governmental Affairs Committee subcommittee hearing record and which stated that each agency has an adequate opportunity to revise and support the issuance of all satellite export licenses actually issued by Commerce since 1990.

The majority leader's statement ignored testimony on June 18 by senior State and DOD officials, stating that they are unaware of any transfer of sensitive U.S. satellite technology to China that has harmed U.S. national security.

Mr. Holum testified, "[W]e do not believe that any launch of a commercial satellite under this policy since 1988 has resulted in a transfer of significant technology or assistance to Chinese either space-launch vehicle capabilities or missile capabilities."

Mr. Lodal testified, "I agree. We're not aware of any situation in which such transfer harmed U.S. security." Yet the majority leader's statement ignores that kind of testimony.

Now, the majority leader's statement cited testimony critical of U.S. export control from a June 25 hearing before the Governmental Affairs Committee by an individual that the majority leader described as a "senior official of the Defense Trade and Security Administration," without mentioning testimony the following week before the Senate Armed Services Committee revealing that this individual, Dr. Peter Leitner, had been demoted by the Bush administration from a senior policy po-

sition to a lower-level licensing officer within that office. The statement of the majority leader also omitted testimony on June 25 and on July 9 by some of Dr. Leitner's current and former superiors at the Department of Defense contradicting Mr. Leitner's facts and assertions.

The majority leader's statement cites testimony by the GAO before the Senate Intelligence Committee on June 10, but omitted testimony from the same hearing indicating that the General Accounting Office has not reached a conclusion on whether current export controls are adequate to protect national security, and he omitted to say that the Intelligence Committee had requested the General Accounting Office to conclude that analysis. Now, the relevant testimony came from Katherine Schinasi, the Associate Director of the International Affairs Division at the General Accounting Office. Responding to a question about Department of Defense's ability to effectively advocate national security interests in the current export control process, she testified on behalf of the General Accounting Office that, "We have not looked at how that process has operated."

The majority leader's statement indicates that moving satellites from the State Department to the Commerce Department eliminated the requirement that Congress receive notice of individual export licenses. The statement failed to mention the legal requirement that the President must notify Congress of all national security waivers authorizing commercial satellite exports to China, whether the export license is issued by State or by Commerce. The majority leader's statement also failed to note that Congress has, in fact, received timely notice of every waiver granted to export a satellite to China; and that Congress has received timely notice of the decisions in 1992 and 1996 to transfer satellites from the State Department to the Commerce Department. It fails to acknowledge that despite receiving all those notices, Congress took no action to express disagreement with the decisions made.

The majority leader's statement also omitted mention of the National Security Council letter included in the July 9 Senate Armed Services Committee hearing record, stating that the National Security Council conducts the same waiver review process for commercial satellite exports to China, whether the export license is issued by the State Department or by the Commerce Department.

The majority leader's report omitted testimony on June 18 and July 8 before the Governmental Affairs Subcommittee on international security, by senior Defense and State Department officials that, after the 3 unmonitored satellite launches took place in China, a policy decision was made in 1996 and remains in effect today, requiring the Defense Department to monitor all satellite launches, whether or not a satellite contains sensitive technology.

Mr. Lodal, speaking for the Defense Department, testified on June 18 that

Communication [satellite] licenses include strong safeguards, including DOD monitoring . . . DOD currently reviews all communication satellite licenses to ensure that the proposed export would be consistent with U.S. national security interests . . . [After the implementation of the 1992 Bush administration decision to transfer to Commerce purely commercial satellites, and before the 1996 revision, there were three launches that were not monitored . . . We're not aware of any transfer of technology from these unmonitored launches that contributed to China's missile and military satellite capabilities.

He continued, speaking for the Defense Department:

Nevertheless, DOD did conclude that full monitoring would be a strong safeguard at relatively low cost to the companies, and that it should be applied to all license cases, even those that did not require Department of State licenses. And this was agreed by all agencies and incorporated as a requirement in 1996, when jurisdiction was transferred to Commerce for all commercial communications satellites. . . ."

The majority leader's statement identified the major "military benefit" of China launches of U.S.-made commercial satellites to be the access gained by the Chinese military to an improved commercial telephone system, without acknowledging that that same so-called military benefit would have accrued if China had instead launched European-made commercial satellites.

The majority leader's statement ignored testimony from Clinton administration critics on July 9 before the Senate Armed Services Committee that the United States export control system is still the "best" and most restrictive in the world.

Now, the majority leader has the right to say whatever he wishes on the subject of satellite exports to China. But he is wrong to suggest, as his statement did, that his conclusions were bipartisan, or that they were reached by the Senate committees examining this issue. His statement struck a major blow to whatever hopes there were that the Senate committees would proceed in this matter in a bipartisan way, with emphasis on the facts rather than on partisan politics.

Mr. President, I hope that a bipartisan approach can still be salvaged. But I think it is fair to say that that goal, that effort which is so important to the national security of this Nation, was given a set-back by the highly partisan comments of the majority leader on this floor last Tuesday.

Mr. President, I thank the Chair and yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—  
H.R. 4112

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now

turn to H.R. 4112, the legislative appropriations bill, and the following amendments be the only amendments in order: One, a Thomas-Brownback amendment regarding nongovernmental services, and one managers' amendment. I further ask unanimous consent that debate must be concluded today, with the exception of the managers' amendment, and that any vote ordered with respect to the bill be postponed to occur at 9:30 a.m. on Tuesday, July 21. I further ask unanimous consent the Senate proceed to the State-Justice-Commerce appropriations bill following the conclusion of debate on the legislative appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Mr. President, reserving the right to object, as I understand the proposal being put forward by the majority leader, it would not include the marriage penalty bill that I am requesting we get a vote on, that I know that he does support; we are getting some opposition from other places.

If that is, indeed, the case, I must object to this bill.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. In light of the objection, I have no alternative than to call up the legislative appropriations bill and file a cloture motion.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask the Senate now turn to H.R. 4112.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the legislative appropriations bill:

Trent Lott, Robert F. Bennett, Ted Stevens, Don Nickles, Bill Frist, Jesse Helms, Pete Domenici, Richard Shelby, Rod Grams, Kit Bond, Thomas A. Daschle, Orrin G. Hatch, Larry Craig, Strom Thurmond, Paul Coverdell, and Chuck Hagel.

Mr. LOTT. Mr. President, for the information of all Senators, unfortunately in this case Members on our side of the aisle have insisted on an amendment that made it impossible for us to get a unanimous consent agreement as

to how to bring up a complete legislative appropriations bill. In order to expedite that legislative appropriations bill, I did, then, file a cloture motion. That vote will occur on Tuesday, July 21, at approximately 9:30 a.m.

I now ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to confirm that I have discussed this, of course, with Members on our side of the aisle and with Senator DASCHLE. He is aware of this. Any first-degree amendments, then, that are to be offered to the legislative appropriations bill, must be filed by 2 p.m. on Monday, July 20.

#### MORNING BUSINESS

Mr. LOTT. I now ask that there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— S. 1482, S. 1619, S. 442

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, proceed to the consideration of Calendar No. 436, S. 1482, and it be considered under the following limitations: 1 hour of debate equally divided on the bill; one amendment offered by Senator DURBIN, regarding reviews of criminal records, 30 minutes of debate equally divided; one amendment offered by Senator MOSELEY-BRAUN and Senator DURBIN relating to Internet predators, 30 minutes of debates equally divided; one amendment offered by Senator DODD regarding blocking software, 30 minutes of debate equally divided. No other amendments will be in order to the bill.

I further ask consent that following the expiration or yielding back of debate time, and the disposition of the above-listed amendments, the bill will be read for a third time and the Senate will proceed to a vote on passage of the bill, with no intervening action or debate.

I further ask consent that the majority leader, after consultation with the Democratic leader, proceed to the consideration of Calendar No. 437, S. 1619, and it be considered under the following limitations: 1 hour of debate equally divided on the bill, 30 minutes for Senator MURRAY; one Dodd amendment regarding America Online, 30 minutes equally divided; one Feingold amendment, text of S. 900, 30 minutes equally divided; and one relevant amendment offered by Senator BURNS, 2 hours equally divided.

I further ask unanimous consent that following the expiration or yielding back of the debate time and the disposition of the above amendments, the bill be read the third time and the Senate proceed to a vote on passage of the

bill, with no intervening action or debate.

I finally ask consent that S. 442, the Internet tax bill, be referred to the Committee on Finance, and, further, that if the bill has not been reported by July 30, it be automatically discharged from the Finance Committee and placed on the calendar.

Now, I might just say before the Chair puts the question on this agreement, this would be the process whereby we bring to the floor the Internet filtering bill, the Internet pornography bill, and the Internet tax bill.

So I did ask consent that it incorporate a process to bring all three of these very important matters to the floor of the Senate.

Mr. LEVIN. Reserving the right to object, I just state for the Record with regard to the proposal just offered, there have been ongoing efforts to clear a unanimous consent agreement on each of the items just mentioned. From the Democratic side, we can enter a unanimous consent agreement with regard to S. 442 and S. 1619.

However, at this time, we are still attempting to get clearance on a unanimous consent agreement on S. 1482, but are not in a position, today, to enter into such an agreement. If the majority leader wants to call the bill up with no agreement, then, perhaps, we can do that, but for the Record, Mr. President, the Democratic side can now enter an agreement on S. 442 and on S. 1619. If the other side is ready to do that, we can go forth.

Otherwise, I have to object to the consent request just propounded.

Mr. LOTT. Mr. President, did the Senator object, then?

Mr. LEVIN. Yes.

Mr. LOTT. I would like to say we have worked on it and I think we have made some progress. These are all interrelated or connected, because it does involve the Internet with regard to filtering, to keep out certain programs in our schools; and of course the tax question. There has been a lot of work that has gone on in that area, working not only with the companies that would be affected, then, the Internet companies, but working with Governors and mayors, making sure that all points of view are involved. But the pornography question is a very, very important part of it all and it does relate to the Internet. In fact, there have been indications just recently that even more pornography than what is already there is planned for the future, free and accessible to everybody.

So, for now, I think we should keep the three together, but we will continue to work with the minority and see if we can get an agreement to clear all three of them or consider just doing two of them if all else fails. I think we should not neglect any of these.